

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Miraj Mostafa

Title: DATA TRANSMISSION

Appl. No.: 09/990,359

Filing Date: 11/23/2001

Examiner: WORONKO, Nicholas F.

Art Unit: 2169

Confirmation 2084

Number:

**REPLY UNDER 37 C.F.R. § 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated August 27, 2009, concerning the above-referenced patent application.

Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

**Remarks/Arguments** begin on page 2 of this document.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Applicant respectfully requests that the Office Action dated August 27, 2009, be withdrawn and a new action be issued.

A final Office Action was issued on February 6, 2009. Applicant filed a Pre-Appeal Brief Request for Review on June 8, 2009, resulting in re-opening of prosecution. See Notice of Panel Decision from Pre-Appeal Brief Review dated June 18, 2009. The present Office Action issued on August 27, 2009.

A thorough review of the present Office Action reveals that the rejections in the present Office Action are identical to those in the Office Action dated February 6, 2009. As a result of several phone calls to the USPTO, Supervisor Tony Mahmoudi reviewed the present Office Action and agreed that the rejections were identical to those in the Office Action dated February 6, 2009.

Accordingly, the present Office Action should be withdrawn.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under

37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 28, 2009

By /G. Peter Albert, Jr./

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6735  
Facsimile: (858) 792-6773

G. Peter Albert Jr.  
Attorney for Applicant  
Registration No. 37,268